



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,556 04/09/98 OKAMURA

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005514 LM02/0727
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30 ROCKEFELLER PLAZA
NEW YORK NY 10112

EXAMINER

TSEGAYE, S

ART UNIT

PAPER NUMBER

2738

DATE MAILED:

07/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/057,556

Applicant(s)
Okamura

Examiner
Saba Tsegaye

Group Art Unit
2738



☒ Responsive to communication(s) filed on Apr 9, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 8-10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiyama et al.

Regarding claims 1, 3, 8-10 and 13, Sugiyama et al. disclose, in Fig 11, blocks 1, 2, 21-25, 7, 34, 31(claimed transmitting means) and blocks 19, 38, 30, 26-30, 16, 13, 11(claimed receiving means). Further, Sugiyama et al. describe the controller 31 and the audio selector (claimed detecting and control means), the video high-efficiency encoder 22 and the audio high-efficiency encoder 24(claimed compressing means). The controller, in accordance with the number of selected audio channels, supplies a control signal to a video high-efficiency encoder 22, an audio selector 34, and audio high-efficiency encoder 24. See column 11, lines 59- 67 and column 15, lines 12-21.

Regarding claim 2, see claim 20 (column 17, lines 47-51).

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Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al.

Sugiyama et al. show all the claim limitations, as stated above in paragraph 2, except for a software program. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use software program codes in order to more efficiently improve or improvise a system rather than modify its existing hardware.

5. Claims 4-7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. in view of Palmer et al.

Sugiyama et al. show all the claim limitations, as stated above in paragraph 2, except for devices for an image input, a sound input, a display, and a sound output.

Palmer et al. disclose, in Fig 1, a video camera 38, headphones with microphone, and a display 30. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add devices for an image input, a sound input, a display, and a sound output to the apparatus of Sugiyama et al., as taught by Palmer et al. in order to allow multiple users to participate in a video teleconference.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kosugi discloses a signal transmitting-receiving system which has a signal transmitting side system constructed by signal transmitter T1, voice processor T2 and signal receiver T3 and also has a signal receiving side system constructed by signal receiver R1, synthesis circuit R4, signal transmitter R5 and delay circuit R3.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday through Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-6743 or (703) 305-3988

For informal or draft communications, please label ("PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


Ajit Patel
Primary Examiner

Saba Tsegaye

Patent Examiner

July 21, 2000